



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEUTSCHE BANK NATIONAL
TRUST COMPANY,

Plaintiff,

vs.

ARTHUR CURTIS FIELDS,

Defendant.

CASE NO. CV 12-8706 UA (DUTYx)
ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court remands this unlawful detainer action to state court summarily because defendant Arthur Fields ("Defendant") removed it improperly.

On October 10, 2012, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, and Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction. Therefore, removal is improper. 28 U.S.C.

1 § 1441(a); *see Exxon Mobil Corp. v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S.
2 Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship exists,
3 the amount in controversy does not exceed the diversity-jurisdiction threshold of
4 \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer
5 complaint recites that the amount in controversy does not exceed \$10,000. Nor does
6 Plaintiff's unlawful detainer action raise any federal legal question. *See* 28 U.S.C.
7 §§ 1331, 1441(b).

8 Defendant is further notified and warned that any subsequent attempts to
9 remove the underlying state unlawful detainer action to this Court will be improper
10 and will constitute vexatious conduct that the Court will address by way of punitive
11 remedial measures, which may include having Defendant designated as a vexatious
12 litigant and barred from commencing any further removal actions with respect to the
13 underlying state unlawful detainer action.

14 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
15 Superior Court of California, County of Los Angeles, 300 East Walnut Street,
16 Pasadena, California 91101, for lack of subject matter jurisdiction pursuant to 28
17 U.S.C. § 1447(c); (2) that the clerk send a certified copy of this Order to the state
18 court; and (3) that the clerk serve copies of this Order on the parties.

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20 IT IS SO ORDERED.

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22 DATED: 12/5/12

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GEORGE KING
CHIEF JUDGE

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

Arthur Curtis Fields
520 West Claremont Street
Pasadena, CA 91103
Defendant, Movant, Pro Se

ATTORNEYS FOR: Movant

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEUTSCHE BANK NATIONAL TRUST
COMPANY

Plaintiff(s),

CASE NUMBER:

CV12-8706

ARTHUR CURTIS FIELDS

Defendant(s)

CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for ARTHUR CURTIS FIELDS
(or party appearing in pro per), certifies that the following listed party (or parties) may have a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal. (Use additional sheet if necessary.)

PARTY

CONNECTION

(List the names of all such parties and identify their connection and interest.)

ARTHUR CURTIS FIELDS

Real Party of Interest

LOGGED

2012 OCT 10 PM 4:33

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

Date

Sign

Arthur Curtis Fields

ARTHUR CURTIS FIELDS, UCC1-308

Attorney of record for or party appearing in pro per